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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,420	06/04/2001	Junji Sato	01327/LH	1412
1933	7590	06/15/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,420

Applicant(s)

SATO ET AL.

Examiner

Peter K. Huntsinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-15, 17, 18 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-15, 17, 18 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 12 April 2005 has been entered in full.

### *Response to Arguments*

2. Applicant's arguments filed 12 April 2005 have been fully considered but they are not persuasive. The references used in the first rejection include the further limitations added in the amendment to the claims.

3. Applicant argues on page 24-26 of the response that:

**Kadowaki does not include the newly added limitations of Claim 15.**

- a. The examiner respectfully disagrees. Kadowaki discloses setting data comprising activity data indicating processing to be performed for the image data (Fig. 4F, col. 6, lines 4-14), and the image forming section performing image processing indicated by the respective activity data for each of the selected sets of JOB data (Fig. 20, col. 15, lines 18-31).

### *Claim Objections*

4. Claim 8 is objected to because of the following informalities: Claim 8 does not have antecedent basis for "the second coincident data". In the examiner's opinion claim 8 is intended to be dependent on claim 6. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-5, 7, 9-15, 17, 18, 25 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kadowaki.

Referring to claim 15, Kadowaki discloses an image forming apparatus, comprising: an image information receiving section (external interface circuit 51 of Fig. 17, col. 13, lines 1-8) to receive image information including image data (PDL Data, col. 5, lines 7-15) and setting data indicating a control condition at a time of image formation, said setting data comprising activity data indicating processing to be performed for the image data (Fig. 4F, col. 6, lines 4-14); a first storing section to store temporarily the image information received by the image information receiving section as one set of JOB data (full page image memory 58 of Fig. 17, col. 3, lines 10-12); an image forming section to form an image based on the image information stored in the first storing section (image formation unit 60 of Fig. 17, col. 13, lines 12-15); a second storing section store a plurality of pieces of said image information received by the image information receiving section as a plurality of sets of JOB data (spooler hard disk

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56 of Fig. 17-18, col. 13, lines 6-9, 31-42); a selecting section to select a plurality of the sets of JOB data to be combined from the plurality of sets of JOB data stored in the second storing section (operation unit 54 of Fig. 17, col. 14, lines 14-19); a control section to combine the selected plurality of sets of JOB data into a single set of combined JOB data (controller 52 of Fig. 17, col. 13, lines 22-29), to store the combined JOB data first storing section, and control the image forming section to conduct an image formation of the set of combined JOB data based on the respective setting data of each of the selected sets of JOB, such that the image forming section respectively performs the image processing indicated by the respective activity data for each of the selected sets of JOB data (Fig. 20, col. 15, lines 18-31).

Referring to claim 29, Kadowaki discloses the image forming apparatus of claim 15, further comprising a judging section to judge propriety of the selected sets of JOB data based on the setting data of the selected sets of JOB data (controller 52 of Fig. 17, col. 13, lines 22-23); wherein the selected sets of JOB data are combined by the control section only if the selected sets of JOB data are judged to be combinable by the judging section (S92 of Fig. 24, col. 17, lines 47-51).

Referring to claim 2, Kadowaki discloses the image forming apparatus of claim 29, wherein the image information receiving section comprises an image reading section to read an image on a document (image reader 32 of Fig. 17, col. 13, lines 16-21).

Referring to claim 3, Kadowaki discloses the image forming apparatus of claim 29, wherein the judging section and the control section are included in a same controlling section (controller 52 of Fig. 17, col. 13, lines 22-23).

Referring to claim 4, Kadowaki discloses the image forming apparatus of claim 29, wherein the selected sets of JOB data are judged by the judging section to be combinable if the setting data of each of the selected sets of JOB data contains coincident data having a content consistent with a content of coincident data of the setting data of the other selected sets of JOB data, and wherein when one of the selected sets of JOB data does not contain coincident data, the judging section judges propriety of the one of selected sets of JOB data (S92 of Fig. 24, col. 17, lines 14-26, 47-51).

Referring to claim 5, Kadowaki discloses the image forming apparatus of claim 29, wherein when a first set of JOB data has been selected by the selecting section, a second set of JOB data is judged by the judging section as being combinable with the first set of JOB data only if the setting data of the second set of JOB data contains coincident data having a content that is consistent with a content of coincident data of the setting data of the first JOB data (S92 of Fig. 24, col. 17, lines 14-26, 47-51).

Referring to claim 7, Kadowaki discloses the image forming apparatus of claim 4, wherein the coincident data comprises at least one of specific application function setting information, image size information, image resolution information and compression ratio information (L107 of Fig. 4F, col. 6, lines 4-14).

Referring to claim 9, Kadowaki discloses the image forming apparatus of claim 29, wherein the setting data comprises coincident data such that the coincident data of each of the plurality of selected sets of JOB data is consistent if the selected sets of JOB data are judged to be combinable, and activity data indicating processing to be performed for the image data (L108 of Fig. 4F, col. 6, lines 4-14).

Referring to claim 10, Kadowaki discloses the image forming apparatus of claim 9, wherein the coincident data comprises at least one of specific application function setting information, image size information, image resolution information and compression ratio information (L107 of Fig. 4F, col. 6, lines 4-14), and the activity data comprises at least one of single sided/double sided recording designation information, feed tray selection information and application function setting information, said application function setting information excluding the specific application function setting information (L108 of Fig. 4F, col. 6, lines 4-14).

Referring to claim 11, Kadowaki discloses the image forming apparatus of claim 29, wherein the setting data comprises: coincident data such that the coincident data of each of the plurality of selected sets of JOB data is consistent if the selected sets of JOB data are judged to be combinable (L107 of Fig. 4F, col. 6, lines 4-14), activity data indicating processing to be performed for the image data (L108 of Fig. 4F, col. 6, lines 4-14); and changeable data having a changeable content indicating processing to be performed for the image data (L111 of Fig. 4F, col. 6, lines 12-13).

Referring to claim 12, Kadowaki discloses the image forming apparatus of claim 11, wherein the coincident data comprises at least one of specific application function

setting information, image size information, image resolution information and compression ratio information (L107 of Fig. 4F, col. 6, lines 4-14), the activity data comprises at least one of one single sided/double sided recording designation, feed tray selection information and application function setting information, said application function setting information excluding the specific application function setting information (L108 of Fig. 4F, col. 6, lines 4-14), and the changeable data comprises at least one of recording number setting information of the combined JOB data, recording material discharge mode setting information, and partial information of the application function setting information in the activity data (L111 of Fig. 4F, col. 6, lines 12-13).

Referring to claim 13, Kadowaki discloses the image forming apparatus of claim 29, wherein the setting data further comprises storing information for specifying the sets of JOB data to be stored in the second storing section (Fig. 11, col. 8, lines 55-57, 65-67, col. 9, lines 1-4).

Referring to claim 14, Kadowaki discloses the image forming apparatus of claim 29, further comprising a designating section to designate image information among the image information received by the image information receiving section as the sets of JOB data to be stored in the second storing section (Fig. 19A and 19B, col. 14, lines 23-51).

Referring to claim 17, Kadowaki discloses the image forming apparatus of claim 15, wherein the image formation is executed for the combined JOB data based on a control condition corresponding to the respective activity data of each of the selected sets of JOB data (S81 of Fig. 20, col. 14, lines 61-65).



Referring to claim 18, Kadowaki discloses the image forming apparatus of claim 15, wherein the setting data further comprises storing information for specifying the sets of JOB data to be stored in the second storing section (Fig. 11, col. 8, lines 55-57, 65-67, col. 9, lines 1-4).

Referring to claim 23, Kadowaki discloses the image forming apparatus of claim 29, wherein the control section controls the image forming section so as to execute the image formation for the set of combined JOB data in accordance with a sequentially-selected order of each of the plurality of selected sets of JOB data selected by the selecting section (S81 of Fig. 20, col. 14, lines 61-65).

Referring to claim 24, Kadowaki discloses the image forming apparatus of claim 29, further comprising an indicating section for indication contents of the setting data of each set of JOB data stored in the second storing section, such that the contents of the setting data are combinable (Fig 19B, col. 14, lines 34-40).

Referring to claim 25, Kadowaki discloses the image forming apparatus of claim 24, wherein when the judging section judges the selected sets of JOB data as being not combinable, the indicating section indicates a basis of the judgment (Fig 19B, col. 14, lines 34-40).

Referring to claim 27, Kadowaki discloses the image forming apparatus of claim 29, further comprising an elimination designating means for designating JOB data to be eliminated from among the plurality of sets of JOB data stored in the second storing section (col. 11, lines 54-55).

Referring to claim 28, Kadowaki discloses the image forming apparatus of claim 29, wherein the control section is operable in an image combining mode for forming an image by combining image data of the selected sets of JOB data based on only the image data of the selected sets of JOB data (col. 7, lines 25-39), and a JOB data combining mode for forming an image by combining the selected sets of JOB data based on the setting data and the image data of each of the selected sets of JOB data (Fig 19A, col. 14, lines 23-31).

Referring to claim 30, Kadowaki discloses the image forming apparatus of claim 15, further comprising a control condition designating means for designating a control condition for the set of combined JOB data (Fig. 4F, col. 6, lines 4-14); wherein the control section controls the image forming section so as to conduct the image formation for the combined JOB data based on the control condition designated by the control condition designating means (S81 of Fig. 20, col. 14, lines 61-65).

Referring to claim 31, Kadowaki discloses the image forming apparatus of claim 15, wherein the image processing indicated by the activity data comprises at least one of single sided/double sided recording designation information and feed tray selection information (L108 of Fig. 4F, col. 6, lines 4-14).

Referring to claim 32, Kadowaki discloses the image forming apparatus of claim 15, wherein the image processing indicated by the activity data comprises at least one of automatic erasing outside a document, monochromatic reversing, frame/fold erasing, document position correction, entire surface image, binding margin, and stamp/overlay (L107 of Fig. 4F, col. 6, lines 4-9)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki as applied to claim 29 above, and further in view of H.A.M. Van Oijen.

Referring to claim 6, Kadowaki discloses the image forming apparatus of claim 29, but does not expressly disclose the judging section judging second job data on not containing first consistent data and containing second consistent data. H.A.M. Van Oijen discloses judging JOB data as being combinable only if the second JOB data does not contain first predetermined coincident data (Step 503 of Fig. 5, col. 5, lines 49-53) and does not contain second coincident data (Step 506 of Fig. 5, col. 5, lines 49-57) having a content consistent with a content of second coincident data of the first selected set of JOB data (Fig. 4, col. 4, lines 1-3). Kadowaki and H.A.M. Van Oijen are combinable because they are from the same field of combining print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate judging job data as combinable when job data does not contain a first condition but contains a second condition as disclosed by H.A.M. Van Oijen into the printing system of Kadowaki. The motivation for doing so would have been to allow combining print jobs that do not require a particular format such as stapling, punching,

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or laminating. Therefore, it would have been obvious to combine H.A.M. Van Oijen with Kadowaki to obtain the invention as specified in claim 6.

Referring to claim 8, Kadowaki and H.A.M. Van Oijen disclose the image forming apparatus of claim 6, wherein the first coincident data comprises specific application function setting information (Kadowaki, Fig 4F, col. 6, lines 4-14) and the second coincident data comprises at least one of image size information, image resolution information and compression ratio information (Kadowaki, col. 8, lines 27-34)

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki as applied to claim 29 above, and further in view of Hamilton.

Kadowaki discloses the image forming apparatus of claim 29, but does not expressly disclose issuing a warning when selected job data is judged as improper. Hamilton discloses issuing a warning when selected job data is not combinable (Step 394 of Fig. 32, col. 16, lines 41-44). Kadowaki and Hamilton are combinable because they are from the same field of combining print jobs. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement Hamilton's warning means into the system of Kadowaki. The motivation for doing so would have been to notify the user if selected pages to be combined into a job are not combinable. Therefore, it would have been obvious to combine Hamilton with Kadowaki.

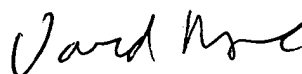
### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
**DAVID MOORE**  
**SUPERVISOR** **PATENT EXAMINER**  
**TF** **CENTER 2600**

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PKH